

SPECIAL MEETING OF THE
OKLAHOMA WORKERS' COMPENSATION
COMMISSION

~APPEALS~

Friday July 28, 2017
9:00 a.m.
Commission Chambers
1915 N. Stiles Ave.
Oklahoma City, Oklahoma
www.wcc.ok.gov

MINUTES

Members present: Chairman Bob Gilliland, Commissioner Mark Liotta and Commissioner Jordan Russell.

Staff present to support the Commission: Lindsey Christopher, Dana Esparza and Monica Pack.

CALL TO ORDER Presiding Appellate Officer, Chairman Gilliland

Call to order 9:00 a.m. by Chairman Gilliland, Presiding Appellate Officer.

ROLL CALL Presiding Appellate Officer, Chairman Gilliland

After the roll call was taken, Chairman Gilliland announced the presence of a Quorum and the Statement of Compliance with the Open Meeting Act was read.

NOTICE OF COMPLIANCE..... Dana Esparza

STATEMENT OF OKLAHOMA OPEN MEETING LAW
COMPLIANCE

Notice of this Regular Meeting was filed with the Secretary of State's office on Thursday, November 3, 2016 at 12:02 p.m., in compliance with the Open Meeting Act.

The Agenda was posted at 8:40 a.m. on Monday, July 24, 2017, more than 24 hours in advance of the meeting, in compliance with the Open Meeting Act. It was posted on the Commission website and at 1915 North Stiles, the Commission's principal office.

MINUTES:

- The drafted Minutes of the Regular Meeting of June 16, 2017 were considered for approval.

Presiding Appellate Officer Chairman Gilliland presented the minutes of the June 16, 2017 Regular Meeting for approval.

Motion: Commissioner Liotta made a motion to approve the minutes of the June 16, 2017 Regular Meeting.

Second: Commissioner Russell

Those Voting Aye: Presiding Appellate Officer Chairman Gilliland, Commissioner Liotta and Commissioner Russell.

THE MOTION CARRIED: MINUTES APPROVED

Appeal Hearings before the Commission En Banc from Orders Issued by the Commission's Administrative Law Judges

Florine Yolanda Ogundipe v. Stillwater Headstart Daycare & CompSource Mutual Ins. Co. (FKA CompSource Oklahoma), File # CM2015-00383K

Claimant filed an appeal from the order issued by Administrative Law Judge Sommer. Claimant's attorney filed a Motion to Dismiss without objection and the same was granted by the Commission before the oral argument date.

THE CASE WAS: DISMISSED

Kalesha Gorden v. Braum's Inc., (OWN RISK #13610), File #CM2015-06428Q

Claimant filed an appeal from the order issued by Administrative Law Judge Inhofe. Bob Burke represented the Claimant and Travis Fulkerson represented the Respondent.

Motion: After reviewing the record, hearing oral argument of counsel and deliberating, Commissioner Russell moved to affirm the Administrative Law Judge's order and authorize the Commission's Presiding Appellate Officer to sign and file an order on behalf of the Commission.

Second: Presiding Appellate Officer Chairman Gilliland

Those Voting Aye: Presiding Appellate Officer Chairman Gilliland, Commissioner Liotta and Commissioner Russell.

THE MOTION CARRIED: ALJ ORDER AFFIRMED

Ana Bautista v. Seaboard Foods LLC, & American Zurich Ins. Co., File # CM2015-06512Y

Respondent filed an appeal from the order issued by Administrative Law Judge McMillin. Carole A. Wangrud represented the Claimant and Connie M. Wolfe represented the Respondent.

Motion: After reviewing the record, hearing oral argument of counsel and deliberating, Presiding Appellate Officer Chairman Gilliland moved to affirm the Administrative Law Judge's order and authorize the Commission's Presiding Appellate Officer to sign and file an order on behalf of the Commission.

Second: Commissioner Liotta

Those Voting Aye: Presiding Appellate Officer Chairman Gilliland, Commissioner Liotta and Commissioner Russell.

THE MOTION CARRIED: ALJ ORDER AFFIRMED

Joni Charlene Guzman v. Michelin North America Inc., (Own Risk #16730), File # CM2015-02999F

Claimant filed an appeal from the order issued by Administrative Law Judge Egan. Warren E. Mouledoux, III and Bob Burke represented the Claimant and Connie M. Wolfe represented the Respondent.

Motion: After reviewing the record, hearing oral argument of counsel and deliberating, Commissioner Liotta moved to affirm the Administrative Law Judge's order and issue an order authorizing the Commission's Presiding Appellate Officer to sign and file an order on behalf of the Commission.

Second: Commissioner Russell

Those Voting Aye: Presiding Appellate Officer Chairman Gilliland, and Commissioner Liotta and Commissioner Russell.

THE MOTION CARRIED: ALJ ORDER AFFIRMED

Amy D. Cheatham v. Stillwater Public Schools & CompSource Mutual Ins. Co. (FKA CompSource Oklahoma), File # CM2015-06798J

Respondent filed an appeal from the order issued by Administrative Law Judge Egan. Brad W. Wicker represented the Claimant and Dean Lott represented the Respondent.

Motion: After reviewing the record, hearing oral argument of counsel and deliberating, Commissioner Russell moved to affirm the Administrative Law Judge's order and issue an order authorizing the Commission's Presiding Appellate Officer to sign and file an order on behalf of the Commission.

Second: Presiding Appellate Officer Chairman Gilliland

Those Voting Aye: Presiding Appellate Officer Chairman Gilliland, and Commissioner Liotta and Commissioner Russell.

THE MOTION CARRIED: ALJ ORDER AFFIRMED

**Lisa Annette Graves v. University of Oklahoma (OWN RISK #14839),
File # CM2016-05726X**

Respondent filed an appeal from the order issued by Administrative Law Judge Sommer. Brandon J. Burton represented the Claimant and Jacob Jean represented the Respondent.

Motion: After reviewing the record, hearing oral argument of counsel and deliberating, Presiding Appellate Officer Chairman Gilliland moved to affirm the Administrative Law Judge's order and issue an order authorizing the Commission's Presiding Appellate Officer to sign and file an order on behalf of the Commission.

Second: Commissioner Liotta

Those Voting Aye: Presiding Appellate Officer Chairman Gilliland, Commissioner Liotta and Commissioner Russell.

THE MOTION CARRIED: ALJ ORDER AFFIRMED

**Brandalynn Pappé v. Oklahoma Forensic Center, & State of
Oklahoma, File # CM2016-06204L**

Claimant filed an appeal from the order issued by Administrative Law Judge Inhofe. Pamela K. Cornett represented the Claimant and J. Nick Crews represented the Respondent.

Motion: After reviewing the record, hearing oral argument of counsel and deliberating, Commissioner Liotta moved to affirm the Administrative Law Judge's order and issue an order authorizing the Commission's Presiding Appellate Officer to sign and file an order on behalf of the Commission.

Second: Commissioner Russell

Those Voting Aye: Presiding Appellate Officer Chairman Gilliland, Commissioner Liotta and Commissioner Russell.

THE MOTION CARRIED: ALJ ORDER AFFIRMED

Elizabeth A. Houck v. Grace Living Centers & Amity Care LLC, (Own Risk #14907), File # CM2016-06312H

Respondent filed an appeal from the order issued by Administrative Law Judge Egan. Charles Simons represented the Claimant and Julie Thompson Weller represented the Respondent.

Motion: After reviewing the record, hearing oral argument of counsel and deliberating, Presiding Appellate Officer Chairman Gilliland moved to affirm the Administrative Law Judge's order and issue an order authorizing the Commission's Presiding Appellate Officer to sign and file an order on behalf of the Commission.

Second: Commissioner Liotta

Those Voting Aye: Presiding Appellate Officer Chairman Gilliland, Commissioner Liotta and Commissioner Russell.

THE MOTION CARRIED: ALJ ORDER AFFIRMED

Colin Horton v. Baker Hughes Oilfield Operations Inc. &/or Baker Petrolight Corp., & Ace American Insurance Co., File #CM2016-06719K

Respondent filed an appeal from the order issued by Administrative Law Judge Inhofe. Eric W. Quandt represented the Claimant and Troy Standefer represented the Respondent.

Motion: After reviewing the record, hearing oral argument of counsel and deliberating, Commissioner Liotta moved to affirm the Administrative Law Judge's order and issue an order authorizing the Commission's Presiding Appellate Officer to sign and file an order on behalf of the Commission.

Second: Presiding Appellate Officer Chairman Gilliland

Those Voting Aye: Presiding Appellate Officer Chairman Gilliland, Commissioner Liotta and Commissioner Russell.

THE MOTION CARRIED: ALJ ORDER AFFIRMED

Commission Consideration of Adoption of Final Order in the Following Case:

Jesus Hidalgo v. Unit Corporation (Own Risk #17006), File # CM2015-01454R

Claimant filed an appeal from the order issued by Administrative Law Judge Sommer. Joseph C. Biscone, II, Emily Biscone and James Biscone represented the Claimant and Andrew J. Morris, Peter Mills & Clyde Muchmore the Respondent. Andrew J. Morrisare appeared on behalf of the State Chamber of Oklahoma as *amicus curiae*.

On June 16, 2017, after reviewing the record, hearing oral argument of counsel and deliberating, Presiding Appellate Officer Chairman Gilliland moved to take preliminary action to affirm the Administrative Law Judge's order with the agreed modification that the issue of injury to the right leg is reserved for future hearing and instruct Commission counsel or other staff member to draft a proposed order with the agreed upon modification.

After reviewing the record, hearing oral arguments, and deliberating, a proposed order was drafted and considered for adoption by the Commission.

Motion: Presiding Appellate Officer Chairman Gilliland moved to adopt the proposed Order Affirming as Modified.

Second: Commissioner Russell

Those Voting Aye: Presiding Appellate Officer Chairman Gilliland and Commissioner Liotta.

Those Voting Nay: Commissioner Russell

THE MOTION CARRIED: ORDER ADOPTED

Sherron Jones v. City of Tulsa (OWN RISK #10435), File # CM2016-01963J

Respondent filed an appeal from the order issued by Administrative Law Judge McMillin. John N. Mackenzie represented the Claimant and Steven Kuperman represented the Respondent.

On June 16, 2017, after reviewing the record, hearing oral argument of counsel and deliberating, Presiding Appellate Officer Chairman Gilliland moved to take preliminary action to affirm the Administrative Law Judge's order and instruct Commission counsel or other staff member to draft a proposed order with the additional findings of fact and conclusions of law, to be considered for continued action at a future meeting.

After reviewing the record, hearing oral arguments, and deliberating, a proposed order was drafted and considered for adoption by the Commission.

Motion: Presiding Appellate Officer Chairman Gilliland moved to adopt the Order Affirming Decision of Administrative Law Judge as proposed.

Second: Commissioner Liotta

Those Voting Aye: Presiding Appellate Officer Chairman Gilliland and Commissioner Liotta.

Those Voting Nay: Commissioner Russell

THE MOTION CARRIED: ORDER ADOPTED

Announcements

Commission's next special business meeting is Thursday, August 17, 2017. Commission's next meeting regarding Appeals is scheduled for Friday, August 18, 2017.

ADJOURNMENT

Motion: Presiding Appellate Officer Chairman Gilliland moved to adjourn the meeting at approximately 1:36 p.m.

Second: Commissioner Russell

Those Voting Aye: Presiding Appellate Officer Chairman Gilliland, Commissioner Liotta and Commissioner Russell.

THE MOTION CARRIED: THE MEETING WAS ADJOURNED.